

FILED
U.S. DISTRICT COURT

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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

BY: DEPUTY CLERK

USANA HEALTH SCIENCES, INC., a Utah
Corporation;

Plaintiff,

v.

BARRY MINKOW a citizen of California;
FRAUD DISCOVERY INSTITUTE, INC., a
California Corporation;
JOHN DOES 1-100;

Defendants.

**PERMANENT FINAL
INJUNCTION AND ORDER OF
DISMISSAL**

Case Number: 2:07CV159 TC

Judge Tena Campbell
Chief Magistrate Judge Samuel Alba

THIS MATTER comes before the Court on the stipulation of Plaintiff USANA Health Sciences, Inc. (USANA) and Defendants Barry Minkow (Minkow) and the Fraud Discovery Institute, Inc. (FDI) to conclude this action by entry of a permanent final injunction.

The Court finds:

1. USANA brought this action to enjoin what it believed was a campaign of illegal naked short selling and other manipulation of USANA's stock.
2. The Court has dismissed some of USANA's claims. USANA's remaining claim is for equitable relief under the securities laws to enjoin Defendants from manipulation of USANA's stock.
3. Minkow and FDI deny any involvement in naked short selling or other manipulation of USANA's stock price; but are willing to stipulate to an order enjoining them from manipulation of USANA stock and from publishing further comments about USANA. The Parties believe, and the Court agrees, that the entry of this order is a reasonable way to conclude

this action and save the Parties from the cost and inconvenience of further protracted litigation.

4. The Parties have also entered into a settlement agreement that has been filed with the Court separately under seal.

Accordingly the Court ORDERS that:

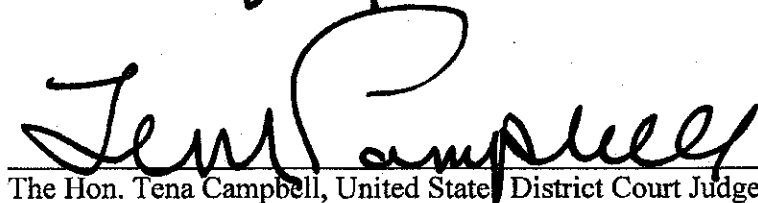
5. Defendants Minkow and FDI, their officers, directors, employees, agents, and any others in active concert with them, are enjoined, directly or indirectly, from buying, selling, or taking any position in USANA's publicly traded stock, or causing any purchase or sale of or position to be taken in USANA's publicly traded stock, except that they may invest in mutual funds or similar financial instruments that hold shares of USANA stock.

6. Except as provided for in the Parties' settlement agreement, Defendants Minkow and FDI, their officers, directors, employees, agents, and any others in active concert with them, are enjoined from publishing, disseminating, or otherwise communicating, or causing to be published, disseminated or otherwise communicated, directly or indirectly, any further statements regarding USANA.

7. The Parties' settlement agreement is incorporated into this final permanent injunction, and the Court retains jurisdiction to enforce the terms of this settlement agreement as part of this final injunction.

8. This Action is dismissed with prejudice, each side to bear its own fees and costs.

SO ORDERED this 29 day of July, 2008.


The Hon. Tena Campbell, United States District Court Judge